



WHAT YOU SHOULD KNOW ABOUT A FEDERAL PERMIT FOR EAGLE NEST REMOVAL

A Federal permit for take of an eagle nest authorizes take (removal and/or relocation) of a bald or golden eagle nest to protect human safety or eagles, and under other limited circumstances. You should review Title 50 Parts 10, 13, and 22.27 of the Code of Federal Regulations (CFR). **You are responsible for reviewing and understanding these regulations before you request and accept a permit.** These regulations can be found on our website at <http://www.fws.gov/permits/ltr/ltr.shtml>. Below are questions and answers regarding eagle nest take permits.

1. Under what circumstances may an eagle nest be removed?

This permit may be used to authorize the removal of a bald or golden eagle nest where the removal is: (a) necessary to alleviate a safety emergency to people or eagles; (b) necessary to ensure public health and safety; (c) the nest prevents the use of a pre-existing human-engineered structure; or (d) the activity or mitigation for the activity will provide a net benefit to eagles. Only inactive nests may be taken, except in the case of safety emergencies. Inactive nests are defined by the continuous absence of any adult, egg, or dependent young at the nest for at least 10 consecutive days leading up to the time of take.

2. If one of the four situations described above applies, will the Service automatically issue a nest removal permit?

No. Other criteria also must be met, including the following: the removal must be compatible with the preservation of bald and golden eagles; there is no practicable alternative to removing the nest; and for take that is not necessary to alleviate an immediate threat to human safety or eagles, we additionally must find that suitable nesting and foraging habitat is available to the area nesting population of eagles to accommodate any eagles displaced by the nest removal.

3. Does the permit allow people to take nests that have eggs or nestlings in them?

The only situation in which the permit may authorize removal of an active nest is in the case of a safety emergency, meaning a situation that necessitates immediate action to alleviate a threat of bodily harm to humans or eagles. Otherwise, only inactive nests may be removed with this permit. For purposes of this permit, an inactive nest is “a bald eagle or golden eagle nest that is not currently being used by eagles as determined by the continuing absence of any adult, egg, or dependent young at the nest for at least 10 consecutive days immediately prior to, and including, at present.”

4. If an emergency necessitates the removal of a nest with eggs or dependent young, what should the permittee do about the eggs or young eagles?

Emergency nest-take permits may authorize the take of eggs or young if they are present. Any take of nestlings or eggs must be conducted by a Service-approved, qualified, and permitted agent, and all nestlings and viable eggs must be immediately transported to foster/recipient nests or a rehabilitation facility permitted to care for eagles, as directed by the Service.

5. Can a permittee keep an eagle nest taken under this permit?

No. A separate permit is required to possess an eagle nest and it can be issued only to specific types of organizations. The Bald and Golden Eagle Protection Act (16 U.S.C 668—668d) allows only public museums, public scientific societies, and public zoological parks to obtain permits to possess eagle nests for scientific or educational purposes.

6. Is post-activity monitoring required?

Permittees may be required to monitor the area and report whether eagles attempt to build or occupy another nest at another site in the vicinity for the duration specified in the permit. Permittees must submit a report to the Regional Migratory Bird Permit Office within 30 days after the permitted nest removal (except for programmatic permittees who must report each nest removal within 10 days after the take and submit an annual report by January 31 of the calendar year). The report must include all the information required by Service Form 3-202-16.

7. Do permittees have to file a report?

Unless the activity is covered by a management plan that contains separate, adequate monitoring protocols, permittees must submit an annual report containing all the information required by the Service Eagle Nest Take Report Form (Form 3-202-16), which can be found at: <http://www.fws.gov/forms/3-202-16.pdf>.

8. What is a programmatic permit and when is it required?

Programmatic take is generally defined as take that is recurring and not in a specific, identifiable timeframe and/or location. The specific regulatory definition is “take that (a) is recurring, but not caused solely by indirect effects, and (b) occurs over the long term and/or in a location or locations that cannot be specifically identified.”

Programmatic take permits may be issued to entities, such as electric utilities or airports that cannot entirely avoid the need to remove eagle nests during the course of their routine operations. In order to qualify for programmatic permits, applicants must work with the Service to develop and implement additional, exceptionally comprehensive measures (“advanced conservation practices” or “ACPs”) to reduce take to the level where any remaining take is essentially unavoidable.

9. Will mitigation measures be required?

All permittees will be required to avoid and minimize the potential for take to the degree practicable, and for programmatic permits, to the point where take is unavoidable. Where feasible, if suitable conditions are present, the permittee may be required to relocate the nest, construct an alternate nest, or improve conditions at alternate nest sites in the territory. Compensatory mitigation may be appropriate depending on the biological value of the nest and the type of circumstances necessitating its removal. In general, little or no compensatory mitigation will be required for emergency nest-take if the permittee could not foresee or prevent the eagles from nesting.

10. How long does it take to get a permit to remove an eagle nest?

The time needed by the Service to process a complete permit application depends on the complexity and scope of the activity and associated take, whether tribal consultation is warranted, what additional environmental analyses may be required, and other factors. An application is not complete unless the information requested in all its sections has been provided by the applicant, including all required attachments. In general, applicants may expect the following approximate permit processing times from the time we receive a complete application:

Emergency nest-take permit	2 to 15 days
Standard permit	60 days
Standard or programmatic permit requiring an environmental assessment	4 to 6 months
Standard or programmatic permit with EIS	18 to 24 months

11. Do I need additional authorization from my State or tribal government to take eagles?

State, tribal and local governments may have their own regulations protecting eagles and eagle nests. Your federal permit is not valid unless you obtain and comply with all permits, licenses, or other authorizations required by these jurisdictions that apply your activity with respect to eagles.

12. How do I renew my permit?

Except for programmatic permits, this type of permit should not typically be subject to renewal considerations, because, in general, standard permits issued under these regulations authorize take of a specific nest within a limited time-frame. For that reason, permittees will not receive a renewal letter or form. If you wish to renew your permit, you must return the completed renewal to your Regional Migratory Bird Permit Office at least 30 days prior to the expiration of your permit and include copies of any other permits required by your State, tribe, or other jurisdiction. If we receive your renewal request at least 30 days prior to the expiration of your permit, your permit will remain valid beyond the expiration date for the activity authorized on your permit until a decision on your renewal is made. (50 CFR 13.22). Applicants for renewal must satisfy all the issuance criteria of 50 CFR 22.27, including a demonstration that the take is still necessary to protect an interest set forth in § 22.27(a).



Department of the Interior
U.S. Fish and Wildlife Service

Expires 08/31/2012
OMB No. 1018-0136

Federal Fish and Wildlife Permit Application Form

Return to: Migratory Bird Permit Office
U.S. Fish and Wildlife Service

Type of Activity:
Eagle Nest Take

Complete section A or B, and sections C and D of this application. See attached Permit Application Instructions.

A. Complete if applying as an individual						
1.a. Last name:		1.b. First name:		1.c. Middle name or initial:	1.d. Suffix	
1.e. Doing business as (dba):		2.a. Mailing Address (line 1):		2.b. Mailing Address (line 2):		
2.c. Mailing Address (line 3):		3.a. City:		3.b. County:	3.c. Province:	3.d. State:
3.e. Zip code/postal code :		3.b. Country:		4. Date of birth (mm/dd/yyyy):		5. Social Security No:
6. Occupation:		7. List of any business, agency, organizational, or institutional affiliation associated with the wildlife or plants to be covered by this permit:				
8. Home telephone number:		9. Work telephone number:		10. Fax number:		11. E-mail address:

B. Complete if applying as a business, corporation, public agency or institution						
1.a. Name of business, agency, or institution:		1.b. Doing business as (dba):		2. Tax identification no.:		
3.a. Mailing address (line 1):		3.b. Mailing address (line 2):		3.c. Mailing address (line 3):		
4.a. City:		4.b. County		4.c. State:	4.d. Zip code:	
5.a. Principal officer - Last name:		5.b. First name:		5.c. Middle name or initial		5.d. Suffix
5.e. Principal officer title:		6. Describe the type of business, agency, or institution and provide state of incorporation:				
7. Home telephone number:		8. Work telephone number:		9. Fax number:		10. E-mail address:

C All applicants complete	
1. Do you currently have or have you had any federal fish and wildlife permits? (For simplification, all licenses, permits, registrations, and certificates will be referred to as a permit.) Yes <input type="checkbox"/> If yes, list the number(s) of the most current permit you have held: _____ No <input type="checkbox"/>	
2. Application fee: Enclose a check or money order payable to the U.S. Fish and Wildlife Service in the amount of \$500.00 (standard) or \$1,000 (programmatic) if you are applying for a new permit and \$150.00 (standard) or \$500 (programmatic) if you are requesting a substantive amendment of your existing valid permit. Federal, tribal, state, and local government agencies, and individuals and institutions acting on behalf of such agencies, are exempt from the application processing fee upon submission of a letter (on agency letterhead) certifying that the applicant is acting on behalf of the government agency (50 CFR 13.11(d)).	
3. Certification: I hereby certify that I have read and am familiar with the regulations contained in Title 50, Part 13, of the Code of Federal Regulations and the other applicable parts in subchapter B of Chapter I of Title 50. I certify that the information submitted in this application for a permit is complete and accurate to the best of my knowledge and belief. I understand that any false statement herein may subject me to the criminal penalties of 18 U.S.C. 1001.	
Signature (in blue ink) of applicant/person responsible for permit. (No Photocopies or stamped signatures)	
Date of signature (mm/dd/yyyy)	

D. EAGLE NEST TAKE (Eagle Act, 50 CFR 22.27)

An eagle nest take permit authorizes the removal of bald eagle or golden nests for human safety, the safety of eagles, or the public's welfare. Permits may be issued to individuals, agencies, businesses, and other organizations. Please read "What You Should Know About An Eagle Nest Take Permit" and the pertinent regulations at 50 CFR 22.27 before you sign and submit your application.

Provide the following information on a separate sheet of paper. Please be as specific as possible in your responses to the questions. Please do not send pages that are over 8.5"X11", videotapes, or DVDs. Except for immediate safety emergencies, we strongly recommend that you submit your application at least 60 days prior to the date that you need your permit, as required by 50 CFR 13.11(c).

1. A description of the situation that necessitates removal of the eagle nest(s), including:
 - (A) 1. The number of nests proposed to be taken;
 2. Whether the nest(s) is a bald eagle or golden eagle nest; and
 3. Whether the nest(s) is active or inactive. (An active nest may only be taken to alleviate an immediate safety emergency.)
 - (B) Is the nest take necessary to alleviate safety concerns? ☐ Yes ☐ No
 1. If Yes, describe the safety emergency and why removal of the nest is necessary to alleviate it.
 2. If No, Provide the following:
 - a. An explanation for why removal of the nest is necessary to protect the public's welfare. ("Necessary to protect the public's welfare" is defined in the implementing regulations at 50 CFR 22.26(a) as "needed in order to maintain society's well-being in matters of health, safety and order.")
 - b. A calculation of the bald eagle or golden eagle area nesting population, including an appropriately scaled map or plat showing the location of each eagle nest used to calculate the area nesting population unless the Service has sufficient data to independently calculate the area nesting population.
 - c. A description of the avoidance, minimization, and mitigation measures you will undertake to reduce take and offset the detrimental impact of the permitted activity.
 - (C) A description of the property, including maps and digital photographs that show the location of the nest in relation to buildings, infrastructure, and human activities;
 - (D) The location of the property, including latitude and longitude;
 - (E) The length of time for which the permit is requested, including beginning and ending dates; and
 - (F) A statement indicating the intended disposition of the nest, and if active, the nestlings or eggs.
2. You must retain records relating to the activities conducted under your permit for at least 5 years from the date of expiration of the permit. Please provide the address where these records will be kept.
 3. Have you obtained all required state, federal or tribal government approval(s) to conduct the activity you propose?
Yes ☐ If yes, provide a copy of the approval(s). Have applied ☐ Not required ☐

PERMIT APPLICATION FORM INSTRUCTIONS

The following instructions pertain to the standard Permit Form 3-200 that must be completed as an application for a U.S. Fish and Wildlife Service permit. The General Permit Procedures in 50 CFR 13 address the permitting process. For simplification, all licenses, permits, registrations, and certificates will be referred to as a permit.

- Complete section A or B, and sections C and D of the application. Print clearly or type in the information. An incomplete or unclear application may cause delays in processing or may be returned to the applicant.
- Provide any required additional information or attachments outlined in section D of the application form. Be as complete and descriptive as possible. If there is any doubt as to the information's relevance, include it with the application.
- Sign the application **in blue ink** and send the original to the address at the top of the application. Faxes or copies of the original signature will not be accepted.
- Please plan ahead. Allow at least 60 days for your application to be processed ([50 CFR 13.11](#)). Some applications may take longer than 90 days to process. Applications are processed in the order they are received.
- Additional forms and instructions, as well as regulations, are available on the Internet at <http://permits.fws.gov/>.

Most of the application form is self-explanatory, but the following provides some assistance for completing the form.

COMPLETE EITHER SECTION A OR SECTION B:

Section A. **"Complete if applying as an individual"** - Enter the complete name of the responsible individual who will be the permittee if a permit is issued. Enter personal information that identifies the applicant. All blocks must be completed. If you are applying as an individual but conducting permitted activities as a business, provide the name of the business. If you are applying on behalf of a client, the personal information must pertain to the client. A document evidencing power of attorney must be included with the application.

Section B. **"Complete if applying as a business, corporation, public agency, or institution"** - Enter the complete name and address of the business, agency, institution, or other organization that will be the permittee if a permit is issued. Give a brief description of the type of business or activity the applicant is engaged in, the name and phone number of the person in charge (i.e., principal officer), and if the company is incorporated, the state in which it is incorporated.

ALL APPLICANTS COMPLETE SECTION C:

Block C.1 **"Do you currently have or have you had any federal fish and wildlife permits?"** List the number(s) of your most current FWS or CITES permit or the number of the most recent permit if none are currently valid. (Do not list permits of others under which you acted as a subpermittee or agent.)

Block C.2 **"Application fee:"** - You must enclose a permit processing fee unless you are fee exempt. Consult the Application Processing Fee section on the last page. Make your check or money order payable to the "U.S. Fish and Wildlife Service" and attach it to the application form. If you are fee exempt, write "EXEMPT" in the fee block and attach proof of exempt status with your application.

Block C.3 **"CERTIFICATION"** The individual identified in Section A, the principal officer named in Section B, or person with a valid power of attorney (documentation must be included in the application) must sign and date the application in **blue ink**. This signature binds the applicant to the statement of certification. This means that you certify that you have read and understand the regulations that apply to the permit. You also certify that everything included in the application is true to the best of your knowledge. Be sure to read the statement and re-read the application before signing.

ALL APPLICANTS COMPLETE SECTION D:

Provide any required additional information outlined in Section D of the application form. Be as complete and descriptive as possible. If there is any doubt as to the information's relevance, include it with the application.

In response to **"Have you obtained all required state, federal or foreign government approval to conduct the activity you propose?"** please be aware that there may be other requirements necessary to conduct this activity, such as local zoning requirements. If "yes," list the state, federal or foreign countries involved and type of document required. Include a copy of these documents with the application. If "no," indicate what steps you have taken to secure approval (use attachment if necessary). If you have applied for the documents, check the "have applied" box and list the state, federal or foreign countries involved and type of documents required. If the proposed activity is not regulated check "not required."

APPLICATION FOR A FEDERAL FISH AND WILDLIFE PERMIT

Paperwork Reduction Act and the Privacy Act – Notices

In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3501, et seq.) and the Privacy Act of 1974 (5 U.S.C. 552a), please be advised that:

1. The gathering of information on fish and wildlife is authorized by:
 - (a) Bald and Golden Eagle Protection Act (16 U.S.C. 668), Title 50, Part 22, of the Code of Federal Regulations (CFR);
 - (b) Endangered Species Act of 1973 (16 U.S.C. 1531-1544), Title 50, CFR Part 17;
 - (c) Migratory Bird Treaty Act (16 U.S.C. 703-712), Title 50, CFR Part 21;
 - (d) Marine Mammal Protection Act of 1972 (16 U.S.C. 1361 *et seq.*), Title 50 CFR Part 18
 - (e) Wild Bird Conservation Act (16 U.S.C. 4901-4916), Title 50, CFR Part 15;
 - (f) Lacey Act (18 U.S.C. 42); Injurious Wildlife, Title 50 CFR Part 16;
 - (g) Convention on International Trade in Endangered Species of Wild Flora and Fauna (CITES) (TIAS 8249); Title 50, CFR Part 23.
 - (h) General Provisions, Title 50 CFR Part 10;
 - (i) General Permit Procedures, Title 50 CFR Part 13; and
 - (j) Wildlife (Import/export/transport), Title 50 CFR Part 14.
2. Information requested in this form is purely voluntary. However, submission of requested information is required in order to process applications for permits authorized under the above laws. Failure to provide all requested information may be sufficient cause for the U.S. Fish and Wildlife Service to deny the request. Response is not required unless a currently valid Office of Management and Budget (OMB) control number is displayed on the form.
3. Certain applications for permits authorized under the Endangered Species Act of 1973 (16 U.S.C. 1539) and the Marine Mammal Protection Act of 1972 (16 U.S.C. 1371-1383) will be published in the Federal Register as required by the two laws.
4. Disclosures outside the Department of the Interior may be made without the consent of an individual if the disclosure is compatible with the purposes for which the record was collected. (Ref. 68 FR 52611, September 4, 2003)
 - (a) To subject matter experts, state, federal, local, and foreign agencies for the purpose of obtaining advice relevant to making a decision on an application for a permit or when necessary to accomplish a FWS function related to this system of records.
 - (b) To the public as a result of publishing Federal Register notices announcing the receipt of permit applications for public comment or notice of the decision on a permit application.
 - (c) To federal, state, local, or foreign wildlife and plant agencies for the exchange of information on permits granted or denied to assure compliance with all applicable permitting requirements.
 - (d) Captive-bred Wildlife registrants under the Endangered Species Act for the exchange of authorized species, and to share information on the captive breeding of these species.
 - (e) To federal, state, and local authorities who need to know who is permitted to receive and rehabilitate sick, orphaned, and injured birds under the Migratory Bird Treaty Act and the Bald and Golden Eagle Protection Act; federally permitted rehabilitators; individuals seeking a permitted rehabilitator with whom to place a bird in need of care; and licensed veterinarians who receive, treat, or diagnose sick, orphaned, and injured birds.
 - (f) To the Department of Justice, or a court, adjudicative, or other administrative body or to a party in litigation before a court or adjudicative or administrative body, under certain circumstances.
 - (g) To the appropriate federal, state, tribal, local, or foreign governmental agency responsible for investigating, prosecuting, enforcing, or implementing statutes, rules, or licenses, when we become aware of a violation or potential violation of such statutes, rules, or licenses, or when we need to monitor activities associated with a permit or regulated use.
 - (h) To a congressional office in response to an inquiry to the office by the individual to whom the record pertains.
 - (i) To the General Accounting Office or Congress when the information is required for the evaluation of the permit programs.
 - (j) To provide addresses obtained from the Internal Revenue Service to debt collection agencies for purposes of locating a debtor to collect or compromise a Federal claim against the debtor, or to consumer reporting agencies to prepare a commercial credit report for use by the FWS.
5. For individuals, personal information such as home address and telephone number, financial data, and personal identifiers (social security number, birth date, etc.) will be removed prior to any release of the application.
6. The public reporting burden on the applicant for information collection varies depending on the activity for which a permit is requested. The relevant burden for an eagle incidental take application is 6 hours, and 2-6 hours for monitoring and reporting. This burden estimate includes time for reviewing instructions, gathering and maintaining data and completing and reviewing the form. You may direct comments regarding the burden estimate or any other aspect of the form to the Service Information Clearance Officer, U.S. Fish and Wildlife Service, Mail Stop 222, Arlington Square, U.S. Department of the Interior, 1849 C Street, NW, Washington D.C. 20240.

Freedom of Information Act – Notice

For organizations, businesses, or individuals operating as a business (i.e., permittees not covered by the Privacy Act), we request that you identify any information that should be considered privileged and confidential business information to allow the Service to meet its responsibilities under FOIA. Confidential business information must be clearly marked "Business Confidential" at the top of the letter or page and each succeeding page and must be accompanied by a non-confidential summary of the confidential information. The non-confidential summary and remaining documents may be made available to the public under FOIA [43 CFR 2.13(c)(4), 43 CFR 2.15(d)(1)(i)].

Application Processing Fee

The fee to process an eagle nest take permit application is \$500.00 for a standard permit application and \$1,000 for a programmatic permit application. This fee applies to new permit applications and permit renewals. The fee to process a substantive amendment to an existing valid standard permit is \$150.00. The fee to process a substantive amendment to an existing valid programmatic permit is \$150.00. Substantive amendments are those that pertain to the purpose and conditions of the permit and are not purely administrative. Administrative changes, such as updating name and address information, are required under 50 CFR 13.23(c), and such amendments do not require a fee. Checks should be made payable to A.U.S. Fish and Wildlife Service.® The fee does not guarantee the issuance of a permit. It will not be refunded regardless of whether a permit is issued, abandoned, or denied. We will not refund any application fee under any circumstances if we have processed the application. However, we may return the application fee if you withdraw the application before we have significantly processed it. (50 CFR 13.11(d))

The application fee does not apply to any federal, tribal, state, or local government agency or to any individual or institution acting on behalf of such agency for the proposed activities.



U.S. Fish & Wildlife Service

Migratory Bird Regional Permit Offices

FWS REGION	AREA OF RESPONSIBILITY	MAILING ADDRESS	CONTACT INFORMATION
Region 1	Hawaii, Idaho, Oregon, Washington	911 N.E. 11th Avenue Portland, OR 97232-4181	Tel. (503) 872-2715 Fax (503) 231-2019 Email permitsR1MB@fws.gov
Region 2	Arizona, New Mexico, Oklahoma, Texas	P.O. Box 709 Albuquerque, NM 87103	Tel. (505) 248-7882 Fax (505) 248-7885 Email permitsR2MB@fws.gov
Region 3	Iowa, Illinois, Indiana, Minnesota, Missouri, Michigan, Ohio, Wisconsin	One Federal Drive Fort Snelling, MN 55111	Tel. (612) 713-5436 Fax (612) 713-5393 Email permitsR3MB@fws.gov
Region 4	Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, Virgin Islands, Puerto Rico	P.O. Box 49208 Atlanta, GA 30359	Tel. (404) 679-7070 Fax (404) 679-4180 Email permitsR4MB@fws.gov
Region 5	Connecticut, District of Columbia, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Virginia, Vermont, West Virginia	P.O. Box 779 Hadley, MA 01035-0779	Tel. (413) 253-8643 Fax (413) 253-8424 Email permitsR5MB@fws.gov
Region 6	Colorado, Kansas, Montana, North Dakota, Nebraska, South Dakota, Utah, Wyoming	P.O. Box 25486 DFC(60154) Denver, CO 80225-0486	Tel. (303) 236-8171 Fax (303) 236-8017 Email permitsR6MB@fws.gov
Region 7	Alaska	1011 E. Tudor Road (MS-201) Anchorage, AK 99503	Tel. (907) 786-3693 Fax (907) 786-3641 Email permitsR7MB@fws.gov
Region 8	California, Nevada	2800 Cottage Way Sacramento, CA 95825	Tel. (916) 414-6464 Fax (916) 414-6486 Email permitsR8MB@fws.gov